

1982 No. 392

BUILDING REGULATIONS**Building (Prescribed Fees) Regulations (Northern Ireland) 1982**

Made \ 29th November 1982

Coming into operation 1st January 1983

The Department of the Environment, in exercise of the powers conferred by Articles 3, 5(1) and 13(2)(e) and (3) of the Building Regulations (Northern Ireland) Order 1979(a) and now vested in it(b) and of every other power enabling it in that behalf, after consultation with the Building Regulations Advisory Committee and such other bodies as appear to the Department to be representative of the interests concerned, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Building (Prescribed Fees) Regulations (Northern Ireland) 1982 and shall come into operation on 1st January 1983.

Interpretation

2. In these regulations—

“building” includes a proposed building;

“cost” does not include any professional fees paid to an Architect, Quantity Surveyor, or any other person;

“inspection fee” has the meaning given by regulation 5(b);

“multiple work” means all work—

(a) on, in or in connection with two or more buildings;

(b) for all of which plans are, or have been, deposited for the purposes of Article 13 of the 1979 Order on the same occasion, by or on behalf of the person by whom or on whose behalf all the work is to be or, as the case may be, is being carried out; and

(c) for which each block plan or, as the case may be, key plan required under the relevant Rule to Schedule 2 to the principal regulations and so deposited, shows all those buildings;

“multiple work scheme” means a scheme for the carrying out of multiple work;

“the 1979 Order” means the Building Regulations (Northern Ireland) Order 1979;

“plan fee” has the meaning given by regulation 5(a);

“the principal regulations” means the Building Regulations (Northern Ireland) 1977(c);

“small domestic building” means a building, the whole of which, as shown on plans deposited for the purposes of Article 13 of the 1979 Order, is used or intended to be used for the purpose of one or more private dwelling-houses,

(a) S.I. 1979/1709 (N.I. 16) — Articles 3, 5(1) and 13(3) were brought into operation on the 1st November 1980 by S.R. 1980 No. 331 and Article 13(2)(e) was brought into operation on 22nd November 1982 by S.R. 1982 No. 380

(b) S.I. 1982/338 (N.I. 6) Art. 5 and Sch. 1 Part II

(c) S.R. 1977 No. 149 as amended by S.R. 1980 No. 86, S.R. 1980 No. 332 and S.R. 1982 No. 81

other than a building which consists, or is to consist, of flats or maisonettes or both and has, or is to have, more than 3 storeys (including a basement storey as defined in regulation A2(4) of the principal regulations);

“work” means—

- (a) the erection of a building;
- (b) the structural alteration or extension of a building, other than the erection of a porch the floor area of which does not exceed 2 square metres, or the insertion of insulating material in an existing cavity wall of a building;
- (c) the execution of works; or
- (d) the installation of a fitting.

Transitional provisions

3. The fees authorised by these regulations shall not be payable in relation to a project for which plans were first deposited before 1st January 1983, notwithstanding that, on a subsequent occasion, plans for essentially the same project are or have been deposited.

Prescribed functions

4. The prescribed functions shall be the following functions—

- (a) the passing or rejection by the district council, in accordance with Article 13 of the 1979 Order, of plans of proposed work deposited with it (including plans of work proposed to be carried out by or on behalf of the council); and
- (b) the inspection, in connection with the principal regulations, of work for which such plans have been deposited.

Authority to charge fees

5. Subject to the provisions of regulations 7 to 10, a district council is hereby authorised to charge—

- (a) a fee (called in these regulations “the plan fee”) for or in connection with the performance by it, of the function prescribed by regulation 4(a); and
- (b) a fee (called in these regulations “the inspection fee”) for or in connection with the function prescribed by regulation 4(b).

Ascertainment of amount of fees

6. The amount of any fee authorised by these regulations shall be ascertained in accordance with the Schedule, by reference to the nature of the work to which the plans relate and shall be—

- (a) in the case of the erection of small domestic buildings and connected work, a fee determined in accordance with Part II of the Schedule by reference to the number of dwellings to be provided;
- (b) in the case of the erection of certain garages and carports and certain alterations to domestic buildings, a flat-rate fee specified in Part III of the Schedule according to the type of work; and
- (c) in all other cases, a fee determined in accordance with Part IV of the Schedule by reference to the estimated cost of work.

Plan fee: general exemption

7. Where a plan fee has been paid and not refunded, a district council may not charge a further plan fee in respect of plans subsequently deposited for substantially the same work.

*Plan fee: exemptions in relation to small domestic buildings and connected work***8.** Where—

(a) plans are, or have been, deposited for the erection of a small domestic building (in this regulation called “the operation”); and

(b) a plan fee is payable or has been paid in respect of those plans,

a district council may not charge a plan fee in respect of plans deposited at any time before completion of the operation for—

- (i) the execution of works or the installation of fittings in connection with the operation; or
- (ii) the erection, in connection with the operation, of a building consisting of a garage or carport or both.

*Plan fee: exemptions in relation to certain garages and carports and certain alterations to domestic buildings***9.** Where—

(a) plans are deposited—

(i) for the erection of such a garage or carport (or both) as is described in paragraph 8 of Part III of the Schedule; or

(ii) for such an alteration to a domestic building as is described in column (1) of the Table following paragraph 11 of Part III of the Schedule; and

(b) a plan fee is payable in respect of those plans,

a district council may not charge a plan fee in respect of plans deposited on the same occasion for the execution of works or the installation of fittings in connection with the operation referred to in paragraph (a)(i) or, as the case may be, (a)(ii).

Inspection fee: exemptions and work covered by fee

10.—(1) Only one inspection fee may be charged by a district council for all relevant work inspected on the same occasion and, where an inspection of any relevant work has been carried out, a district council may not charge a fee for the inspection on any subsequent occasion of that work or any other relevant work.

(2) In this regulation “relevant work” means—

(a) in the case of the erection of a small domestic building—

(i) the erection of that building; or

(ii) the execution of works or the installation of fittings in connection with the operation mentioned in head (i) where the plans for those works or fittings have been deposited before completion of that operation; or

(iii) the erection, in connection with the operation mentioned in head (i), of a garage or carport or both, where the plans for that garage or carport have been deposited before completion of that operation.

(b) in the case of the erection of a garage or carport or both where the inspection fee is specified in Part III of the Schedule—

(i) the erection of the garage or carport or both, as the case may be; or

(ii) the execution of works or installation of fittings in connection with the operation mentioned in head (i) where the plans for those works or fittings have been deposited on the same occasion as the plans for that operation,

(c) in the case of an alteration or extension to a domestic building where the inspection fee is specified in Part III of the Schedule—

(i) the alteration or, as the case may be, the extension of the building; or

- (ii) the execution of works or installation of fittings in connection with the operation mentioned in head (i) where the plans for those works or fittings have been deposited on the same occasion as the plans for that operation; or
- (d) in all other cases, work the cost of which is included in the estimate referred to in regulation 12(a) or substantially the same work.

Payment of fees

11.—(1) A fee authorised by these regulations shall be payable by the person by whom or on whose behalf the work is to be or, as the case may be, is being carried out.

(2) The plan fee shall be payable on the first occasion that plans of the proposed work are deposited.

(3) The inspection fee shall be payable on demand made after the district council carries out the inspection for which the fee is payable.

Estimates, etc., to be provided in certain cases

12. Where a plan fee of an amount determined under Part IV of the Schedule by reference to estimated cost of work is payable, the fee—

- (a) shall be accompanied by a reasonable written estimate for the building to which the plans relate, of the total cost to be incurred by the person by whom or on whose behalf the plans are deposited for all work on, in or in connection with that building and shown on those plans or any other plans deposited on the same occasion and in relation to which a plan fee of an amount determined under Part IV of the Schedule is then payable; and
- (b) where the proposed work forms part of a multiple work scheme which includes proposed work on, in or in connection with at least one other building and in relation to which a plan fee of an amount determined under Part IV of the Schedule is then payable, shall also be accompanied by a written notification of the aggregate of the amount of that estimate and of the amounts of the estimates for all such other buildings.

Effect on plans, of failure to pay plan fee or supply estimate, etc.

13. Plans shall not be treated as deposited in accordance with the principal regulations for the purposes of Article 13 of the 1979 Order, unless the district council has received any plan fee payable in respect of these plans and, where regulation 12 applies, that regulation has been complied with.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 29th November 1982.

(L.S.)

Harold Carson

Assistant Secretary

SCHEDULE

Regulation 6

AMOUNTS OF PRESCRIBED FEES

PART I

GENERAL

Interpretation

1. In this Schedule—

“dwelling” includes an intended dwelling; and

“partially exempted building” has the meaning given by regulation A5(2) of the principal regulations.

Rules for measurement of floor area

2. In this Schedule—

(a) the total floor area of a dwelling or extension shall be the total of the floor areas of all the storeys in the dwelling or, as the case may be, the extension; and

(b) the floor area of—

(i) any storey of a dwelling or extension; or

(ii) a garage or carport,

shall be taken to be its total floor area bounded by the inner finished surfaces of the enclosing walls or, on any side where there is no enclosing wall, by the outermost edge of the floor on that side.

Fractions of pence

3. Where the amount of a fee includes a fraction of a penny, that fraction shall be disregarded.

PART II

ERECTION OF SMALL DOMESTIC BUILDINGS

Single small domestic building: plan fee

4. Where the plans are for the erection of a small domestic building, the plan fee shall, except as provided in paragraph 6 (two or more small domestic buildings in a multiple work scheme), be the amount specified in column (2) of Table 1 in relation to the number of dwellings in that building specified or indicated in column (1).

Single small domestic building: inspection fee

5. In relation to the erection of a small domestic building and any work in connection with that operation, the inspection fee shall, except as provided in paragraph 7 (two or more small domestic buildings in a multiple work scheme), be an amount equal to the aggregate of—

(a) £50 multiplied by the number of dwellings in that building; and

(b) where any of those dwellings has a total floor area, other than the floor area of any garage comprised therein, as shown on the plans, exceeding 64 square metres, the amount specified in column (2) of Table 2 in relation to the number of such dwellings specified or indicated in column (1).

Two or more small domestic buildings in a multiple work scheme: plan fee

6. Where—

(a) the plans are for the erection of a small domestic building; and

(b) the work forms part of a multiple work scheme which consists of the erection of small domestic buildings or includes the erection of at least one other small domestic building,

the plan fee shall be the amount determined by—

- (i) dividing the amount specified in column (2) of Table 1 in relation to the number of dwellings in all the small domestic buildings in the multiple work scheme specified or indicated in column (1), by the number of those dwellings; and
- (ii) multiplying the resulting figure by the number of dwellings in the small domestic building for which the fee is being determined.

Two or more small domestic buildings in a multiple work scheme: inspection fee

7. In relation to the erection of a small domestic building and any work in connection with that operation where that operation forms part of a multiple work scheme which consists of the erection of small domestic buildings or includes the erection of at least one other small domestic building, the inspection fee shall be the amount determined by—

- (a) dividing the aggregate of—
 - (i) £50 multiplied by the number of dwellings in all the small domestic buildings in the multiple work scheme; and
 - (ii) where any of those dwellings has a total floor area, other than the floor area of any garage comprised therein, as shown on the plans, exceeding 64 square metres, the amount specified in column (2) of Table 2 in relation to the number of such dwellings specified or indicated in column (1),
by the number of dwellings in all the small domestic buildings in the multiple work scheme; and
- (b) multiplying the resulting figure by the number of dwellings in the small domestic building for which the fee is being determined.

TABLE 1 (paragraphs 4 and 6)

ERECTION OF SMALL DOMESTIC BUILDINGS: PLAN FEE

(1) Number of dwellings	(2) Amount of plan fee or, as the case may be, amount to be divided under paragraph 6.
	£
1	30
2	60
3	90
4	120
5	150
6	170
7	190
8	210
9	230
10	250
11	260
12	270
13	280
14	290
15	300
16	310
17	320
18	330
19	340
20 or more	350

TABLE 2 (paragraphs 5 and 7)

ERECTION OF SMALL DOMESTIC BUILDINGS: INSPECTION FEE	
(1)	(2)
Number of dwellings each having a floor area exceeding 64 square metres	Amount referred to in paragraph 5(b) or, as the case may be, paragraph 7(a)(ii)
	£
1	30
2	60
3	90
4	120
5	150
6	160
7	170
8	180
9	190
10 or more	200

PART III

ERECTION OF SMALL GARAGES AND CARPORTS AND CERTAIN ALTERATIONS TO DOMESTIC BUILDINGS

Erection of small garages and carports: plan fee

8. Where the plans are plans for the erection of a detached building—

- (a) consisting of a garage or carport or both,
- (b) having a floor area not exceeding 40 square metres, and
- (c) intended to be used in common with an existing building,

the plan fee shall be—

- (i) if the building is a partially exempted building, a fee of £3;
- (ii) otherwise, a fee of £6.

Erection of small garages and carports: inspection fee

9. In relation to the erection of such a building as is described in paragraph 8, the inspection fee shall be—

- (a) if the building is a partially exempted building, a fee of £9;
- (b) otherwise, a fee of £18.

Certain alterations to domestic buildings: plan fee

10. Where the plans are plans of proposed work of a type described in column (1) of the following Table, being work on, in or in connection with—

- (a) a small domestic building; or
- (b) a building, other than a small domestic building, which consists of flats or maisonettes or both; or
- (c) a building which consists of a garage or carport or both on land occupied in common with such a building as is described in head (a) or (b),

the plan fee shall be of the amount specified in column (2) in relation to that type of work.

Certain alterations to domestic buildings: inspection fee

11. In relation to work of a type described in column (1) of the following Table, being work on, in or in connection with such a building as is described in paragraph 10, the inspection fee shall be a fee of the amount specified in column (3) in relation to that type of work.

TABLE (paragraphs 10 and 11)

CERTAIN ALTERATIONS TO DOMESTIC BUILDINGS: PLAN FEE AND INSPECTION FEE

(1) Type of Work	(2) Amount of plan fee	(3) Amount of inspection fee
1. An extension, the total floor area of which, as shown on the plans, does not exceed 20 square metres, other than an extension of a type described in paragraph 3 or 4 below.	£ 6	£18
2. An extension, the total floor area of which, as shown on the plans, exceeds 20 square metres but does not exceed 40 square metres.	£12	£36
3. An extension consisting of the erection of a porch, the floor area of which, as shown on the plans, exceeds 2 square metres but does not exceed 4 square metres.	£ 3	£ 9
4. An alteration consisting of the provision of one or more rooms in roof space, including any means of access thereto.	£12	£36

PART IV

WORK OTHER THAN THAT DESCRIBED IN PART II OR III

Single building: plan fee

12. Where the plans are plans of proposed work, other than proposed work in relation to which the amount of the plan fee is ascertained under Part II or Part III or in relation to which no such fee is payable by virtue of regulation 8 or 9, the plan fee shall be, except as provided in paragraph 13, a fee of the amount shown in column (2) of the following Table opposite to the amount indicated in column (1) which is appropriate to 70% of the amount of the estimate for the building supplied in accordance with regulation 12(a).

Multiple work scheme: plan fee

13. Where the plans are plans of proposed work other than proposed work in relation to which the amount of the plan fee is ascertained under Part II or Part III or in relation to which no such fee is payable by virtue of regulation 8 or 9, which forms part of a multiple work scheme and the scheme includes other such proposed work on, in or in connection with at least one other building, the plan fee shall be the amount determined in accordance with the following formula—

$$\frac{E}{T} \times A$$

where—

E is 70% of the amount of the estimate for the building supplied in accordance with regulation 12(a);

T is 70% of the aggregate for the building and the other buildings supplied in accordance with regulation 12(b); and

A is the amount shown in column (2) of the following Table which is appropriate to T.

Partially exempted building: plan fee

14. In the case of a partially exempted building, the amount of the plan fee shall be half the amount determined under paragraph 12 or 13, as the case may be, subject to a minimum of £3.

Other work: inspection fee

15.—(1) In relation to work, other than work in relation to which the inspection fee is a fee of an amount ascertained under Part II or Part III, the inspection fee shall be a fee of the amount shown in column (3) of the following Table opposite to the amount indicated in column (1) which is appropriate to 70% of the amount of the estimate for the building supplied in accordance with regulation 12(a).

(2) In the case of a partially exempted building, the amount of the inspection fee shall be half the amount determined in accordance with sub-paragraph (1), subject to a minimum of £9.

TABLE (paragraphs 12 to 15)

OTHER WORK: PLAN FEE AND INSPECTION FEE

(1) 70% of estimated cost	(2) Amount of plan fee under paragraph 12 or, as the case may be, amount by which the fraction referred to in paragraph 13 is to be multiplied	(3) Amount of inspection fee
£	£	£
Under 1,000	3	9
1,000 and under 2,000	7	21
2,000 and under 3,000	8	24
3,000 and under 4,000	11	33
4,000 and under 5,000	15	45
5,000 and under 6,000	17	51
6,000 and under 7,000	20	60
7,000 and under 8,000	22	66
8,000 and under 9,000	25	75
9,000 and under 10,000	27	81
10,000 and under 12,000	30	90
12,000 and under 14,000	35	105
14,000 and under 16,000	39	117
16,000 and under 18,000	44	132
18,000 and under 20,000	48	144
20,000 and under 25,000	53	159
25,000 and under 30,000	62	186
30,000 and under 35,000	71	213
35,000 and under 40,000	81	243
40,000 and under 45,000	89	267
45,000 and under 50,000	96	288
50,000 and under 60,000	107	321
60,000 and under 70,000	128	384
70,000 and under 80,000	144	432
80,000 and under 90,000	157	471
90,000 and under 100,000	173	519
100,000 and under 140,000	190	570
140,000 and under 180,000	247	741
180,000 and under 240,000	305	915
240,000 and under 300,000	379	1137
300,000 and under 400,000	454	1362
400,000 and under 500,000	577	1731
500,000 and under 700,000	676	2028
700,000 up to and including 1,000,000	883	2649
Thereafter for each additional 100,000 or part thereof	165	495

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations authorise district councils to charge prescribed fees for carrying out certain functions under building regulations.

The functions are:—

- (a) the passing or rejection of plans; and
- (b) the inspection of work.

The fee for passing or rejection of plans (“the plan fee”) is payable on the first occasion that plans are deposited (regulations 4(a) and 11(2)); in certain cases, a plan fee cannot be charged (regulations 7 to 9). The fee for inspection of work (“the inspection fee”) is payable on demand made after inspection (regulations 4(b) and 11(3)).

The fees payable depend upon the category of work as follows:—

- (a) A scale plan fee and inspection fee, for buildings consisting of one or more private dwelling houses, other than flats and/or maisonettes more than 3 storeys high. The fee scale takes account of repetitive work and, in the case of the plan fee, the maximum charge is £350 (Part II of the Schedule);
- (b) A flat-rate plan fee and inspection fee for:—
 - (i) the erection of certain small garages and/or carports to be used in connection with existing buildings (Paragraphs 8 and 9 of Part III of the Schedule); and
 - (ii) certain alterations to domestic buildings (Paragraphs 10 and 11 of Part III of the Schedule); and
- (c) for other cases, by a scale plan fee and inspection fee based on 70 per cent. of the estimated total cost of work shown on the plans (Part IV of the Schedule).